HON'BLE SRI JUSTICE D.S.R. VARMA
AND
HON'BLE SRI JUSTICE D. APPA RAO

Dated: 17-07-2007

WRIT PETITION No. 14063 of 2007

Between:

Musharaff, H.No. 8-4-52/3, Wadi-E-Arbaar,
Bandlaguda, Hyderabad.

..Petitioner

And

The Commissioner of Police, Cyberabad,
Hyderabad and another.

..Respondents.

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WRIT PETITION No. 14063 of 2007

ORAL ORDER: Per : D. Appa Rao, J

This is a taken up writ petition on a telegram issued by the

petitioner alleging that his brother – Mohd. Ashraf Ali s/o Mohd. Ali, Door
No. 8-4-52/3, Wadi-E-Arbaar, Bandlaguda, Hyderabad was illegally detained by the Andhra Pradesh Police and apprehended danger to his life.

2) The Commissioner of Police, Cyberabad filed a counter stating that the alleged detenu was an accused in Pota Case No. 12/2003 pending on the file of learned Special Judge (POTA) at Ahmedabad arising out of Cr.No. 6/2003 registered by Ahmedabad City D.C.B., P.S.-I for the offences under Sections 120 (B); 121 (K), 122, 123 of IPC; Sections 25 (1)(b) and (c), 27 and 29 of Arms Act and Sections 3 (1), A, B, 3 (3), 4, 20, 21 (2), (B), 22 (3) A,B of Pota Act. In that connection a non-bailable warrant was issued by the Pota Court at Ahmedabad directing D.C.B. P.S. –I, Ahmedabad to arrest the alleged detenu and produce before H.H. Special Judge (POTA) Miss S.G. Gokani Court No.8, City Civil and Sessions Court, Bhadra, Ahmedabad. A Copy of warrant is enclosed to the counter.

3) In pursuance of the non-bailable warrant issued, Sri B.A. Patel, Sub-Inspector of Police and his police team from Crime Branch Ahmedabad city were entrusted with the execution of warrant, visited Hyderabad and addressed a letter dated 29-06-2007 to the Inspector of Police, Task Force, Hyderabad city to provide necessary help to nab the detenu who was working as Head Master in Sabil-ul-Fala, a Madarsa located at H.No. 8-4-52/3, Wade-E-Arbaar, Mailardevpally since 12 years. Accordingly the alleged detenu was arrested on 30-06-2007 and was handed-over to the Sub-Inspector of Police, Crime Branch, Ahmedabad under acknowledgement in order to produce him before the concerned Court at Ahmedabad. The alleged detenu was never

illegally detained by the respondents.

4) Considering the circumstances mentioned above and in view of the fact that the detenu was in judicial custody, we do not see any merit in the writ petition. There is no need to adjudicate in the matter any further.

5) Accordingly, the writ petition is dismissed. No costs.

D.S.R. VARMA, J

D. APPA RAO, J

17-07-2007
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